

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1400 OF 2007

Tarun Harshi Motta ..Petitioner

Vs.

The State of Maharashtra and ors. ..Respondents

Mr. Rishi Bhuta for petitioner.

Mr. D.P. Adsule, APP for State.

Mr.S. Nagvadaria with Ms. Dipti Shah for respondent
no.2.

CORAM: B.H. MARLAPALLE, J.

Date : September 06, 2007.

P.C.:

1. Leave to amend so as to correct respondent
no.2.

2. The present respondent no.2-complainant had
approached the court of the learned Additional Chief
Metropolitan Magistrate, 8th Court, Esplanade, Mumbai
and filed C.C.No.36/I & R/2006 against the present
petitioner for the offences punishable under Sections
420, 465, 467, 471 read with Section 120-B of IPC. On
13/9/2006 the learned Addl. Chief Metropolitan

Magistrate passed an order directing investigation through police (Marine Drive Police Station) under Section 156(3) of Cr.P.C. It is also stated that Suit No. 135 of 2006 came to be filed by the respondent no.2 on the Original Side of this court for the recovery of dues and consent terms came to be signed between the parties and the same consent terms tendered before this court on 2/4/2007. The said suit came to be disposed off in terms of the consent terms and the undertaking furnished by the parties was accepted, as per order dated 2/4/2007 passed by this court.

3. It is submitted by the petitioner that on account of the settlement between him and the respondent no.2, nothing further survives in the complaint pending before the learned Addl. Chief Metropolitan Magistrate and the complainant is not desirous of prosecuting the complaint any further. The learned counsel for the respondent no.2 also states, on instructions, that the respondent no.2 is no more interested in prosecuting the pending

complaint and all the disputes between the parties have been finally settled in terms of the consent terms. It is also stated that no process has been issued in the pending complaint, except the statement of some persons, during the course of investigation, were recorded. Both the parties, therefore, pray for quashing of the pending complaint under inherent powers of this court under Section 482 of Cr.P.C.

4. Hence, the petition is allowed and the proceedings in C.C. No.36/I & R/2006 pending before the learned Addl. Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai are hereby quashed by the consent of the respondent no.2-complainant.

(B.H. Marlapalle, J.)